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**Via ECF**

July 16, 2013

Hon. Leonard D. Wexler, U.S.D.J.  
United States District Court Eastern District of New York  
Long Island Federal Courthouse  
944 Federal Plaza  
Central Islip, New York 11722

**Re: Velasquez et al v. Digital Page, Inc. et al.**  
**Case No. 11-CV-3892**  
**MLLG No.: 169-2011**

Dear Judge Wexler:

This firm represents defendants, Digital Page, Inc., Cellular Consultants Inc., Cellular Consultants of Farmingdale, Inc., Brandon Haenel, and Robert Pachtman. This letter is in response to Plaintiffs' July 16, 2013 letter regarding the computation of damages contained in their Supplemental Responses to Defendants' Interrogatories.

Although Plaintiffs provided a computation of damages in their Supplemental Responses to Defendants' Interrogatories on May 7, 2012 and May 11, 2012, the computation of damages was provided more than three (3) months after the Court decided Defendants' motion to dismiss on February 2, 2012 wherein the Court held that "Plaintiffs raise no issue regarding Defendants' assertion that the damages offered exceed the overtime wages sought." Plaintiffs had the opportunity in their opposition to Defendants' motion to dismiss to explain the basis for their dispute concerning whether the offers of judgment provided them with full relief. They failed to do so at that time and should be precluded from raising these arguments over 1 ½ years later. Moreover, the interrogatory responses were not verified as required by Fed. R. Civ. Proc. 34. Additionally, Plaintiffs never provided a computation of damages in their initial disclosures as required by Fed. R. Civ. Proc. 26.

For the reasons stated in Defendants' July 9, 2013 letter and letter from earlier today, Defendants respectfully request that the Court grant their motion to dismiss the Complaint.

Respectfully submitted,

**MILMAN LABUDA LAW GROUP PLLC**  
/s/ Jamie S. Felsen

cc: Tito Sinha, Esq. (via ECF)